

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

463Q0462

SENATE BILL NO. 178

Introduced by: Senators Gant and Jerstad and Representatives Peters and Vanderlinde

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding liens on real property.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That chapter 44-9 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 Notwithstanding any other provision of this chapter, the filing of a lien for material supplied
6 or labor furnished for improvements on real property is not enforceable against an intervening
7 purchaser who acquired the real property between the time the labor or materials were furnished
8 and the time the lien was filed. However, the provisions of this section do not apply if the
9 purchaser had actual or constructive notice of the lien at the time of purchase.

10 Section 2. That chapter 44-9 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 Notwithstanding any other provision of this chapter, the filing of a lien for material supplied
13 or labor furnished for improvements on real property is not enforceable against a subsequent
14 purchaser of the real property if the lien is filed after the subsequent purchaser has purchased
15 the real property.

